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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kyrgyzstan, Lesotho, Liberia, Luxembourg, Malaysia, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Safety and security of humanitarian personnel and protection of United Nations personnel

The General Assembly,

Reaffirming its resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations,

Recalling its resolutions 53/87 of 7 December 1998 on the safety and security of humanitarian personnel and protection of United Nations personnel, 52/167 of 16 December 1997 on the safety and security of humanitarian personnel and 52/126 of 12 December 1997 on the protection of United Nations personnel,

Welcoming agreed conclusions 1999/1 adopted by the Economic and Social Council at the humanitarian affairs segment of its substantive session of 1999,

Taking note of the report of the Secretary-General on the protection of civilians in armed conflicts,[1] and noting Security Council resolution 1265 (1999) of 17 September 1999 and the recommendations made therein, the statements of the President of the Security Council and the range of views expressed during the open debates of the Security Council on 16 and 17 September 1999 and 12 February 1999 on protection of civilians in armed conflicts, and also bearing in mind the statements made by the President of the Security Council on 29 September 1998 and 19 June 1997 on protection for humanitarian assistance

[1] A/54/619

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to refugees and others in conflict situations, as well as the statement made by the President of the Security Council on 8 July 1999 on the maintenance of peace and security and post-conflict peace-building,

Recalling the fiftieth anniversary on 12 August 1999 of the Geneva Conventions of 12 August 1949,[2] which reaffirmed the need to promote and ensure respect for the principles and rules of international humanitarian law,

Noting with satisfaction the entry into force on 15 January 1999 of the Convention on the Safety of United Nations and Associated Personnel[3] of 9 December 1994,

Deeply concerned by the growing number of complex humanitarian emergencies in the last few years, in particular armed conflicts and post-conflict situations, which have dramatically increased the loss of human lives, in particular of civilians, the suffering of victims, flows of refugees and internally displaced persons, as well as material destruction, which disrupt the development efforts of countries affected, in particular those of developing countries,

Concerned by the increasingly difficult context in which humanitarian assistance takes place in some areas, in particular the continuous erosion, in many cases, of respect for the principles and rules of international humanitarian law,

Strongly deploring the rising toll of casualties among national and international humanitarian personnel, and United Nations and associated personnel, in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, and strongly condemning the acts of murder and other forms of physical violence, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as acts of destruction and looting of their property,

Recalling that primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and its associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with relevant organizations,

Urging all other parties involved in armed conflicts, in compliance with their obligations under the 1949 Geneva Conventions and the Additional Protocols thereto, to ensure the security and protection of all humanitarian and United Nations and associated personnel,

Expressing concern that the occurrence of attacks and threats against humanitarian personnel and United Nations and associated personnel is a factor that increasingly restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate and Charter,

Recognizing the fundamental requirement that appropriate modalities for the safety and security of humanitarian, United Nations and associated personnel be incorporated into all new and ongoing United Nations field operations,

Emphasizing the need to give further consideration to the safety and security of locally recruited humanitarian personnel, United Nations and associated personnel, who count for the majority of casualties,

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[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[3] Resolution 49/59, annex.

Welcoming the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations as a war crime in the Rome Statute of the International Criminal Court,[4] adopted on 17 July 1998, and noting the role that the Court could play in bringing to justice those responsible for serious violations of international humanitarian law,

Commending the courage and commitment of those who take part in humanitarian operations, often at great personal risk,

Guided by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations,[5] the Convention on the Privileges and Immunities of the Specialized Agencies,[6] the Convention on the Safety of United Nations and Associated Personnel, the Fourth Geneva Convention of 12 August 1949 and Additional Protocols of 8 June 1977, and Protocol II to the Convention on Prohibitions on Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980,

1. *Urges* all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international humanitarian law, as well as relevant provisions of human rights law related to the safety and security of humanitarian personnel and United Nations personnel;

2. *Also urges* all States to take the necessary measures to ensure the safety and security of humanitarian personnel, United Nations and its associated personnel and to respect and ensure respect for the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations;

3. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, in countries where humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

4. *Strongly condemns* any act or failure to act which obstructs or prevents humanitarian personnel and United Nations personnel from discharging their humanitarian functions, or which entails their being subjected to threats, the use of force or physical attack frequently resulting in injury or death, and affirms the need to hold accountable those who commit such acts;

5. *Requests* the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to continue to consider ways and means to strengthen the protection of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, notably by seeking the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations,[5] the Convention on the Privileges and Immunities of the Specialized Agencies[6] and the Convention on the Safety of United Nations and Associated Personnel;[3]

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[4] A/CONF.183/9.

[5] Resolution 22 A (I).

[6] Resolution 179 (II).

6. *Urges* all States to ensure that any threat or act of violence committed against humanitarian personnel on their territory is fully investigated and to take all appropriate measures, in accordance with international law and national legislation, to ensure that the perpetrators of such acts are prosecuted;

7. *Urges* all State to provide adequate and prompt information in the event of arrest or detention of humanitarian personnel or United Nations personnel, to afford them with the necessary medical assistance and to allow independent medical teams to visit and examine the health of those detained, and also urges all States to take the necessary measures to ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant Conventions referred to in the present resolution and applicable international humanitarian law;

8. *Calls upon* all States to consider signing and ratifying the Rome Statute of the International Criminal Court;

9. *Reaffirms* the obligation of all humanitarian personnel, United Nations personnel and its associated personnel, to observe and respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations;

10. *Requests* the Secretary-General to take the necessary measures, falling within his responsibilities, to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and associated personnel;

11. *Further requests* the Secretary-General, in consultation with United Nations agencies and other relevant international organizations, to compile examples of best practices, obstacles encountered and lessons learned with regard to the safety and security of humanitarian personnel and United Nations personnel, and to ensure that this information is widely disseminated in the field, and to include in his comprehensive report to it at its fifty-fifth session on the subject of the present resolution detailed information in this regard;

12. *Further requests* the Secretary-General to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about the conditions under which they are called to operate, including relevant customs and traditions in the host country, the standards that they are required to meet, including those contained in relevant domestic and international law, and that adequate training in security, human rights and humanitarian law, as well as stress counselling, are provided so as to enhance their security and effectiveness in accomplishing their functions, and reaffirms the necessity for all other humanitarian organizations to provide their personnel with similar support;

13. *Encourages* all States to contribute to the Trust Fund for the Security of Personnel of the United Nations System, and welcomes the inclusion of security components in the Consolidated Appeals to advance the cause of inter-agency security coordination;

14. *Recognizes* the need to strengthen the Office of United Nations Security Coordinator and the need for a full time Security Coordinator to enable the Office to enhance its capacity in the discharge of its duties, in consultation with the Office for the Coordination of Humanitarian Affairs and appropriate agencies within the Inter-Agency Standing Committee;

15. *Encourages* all States to become party to and respect fully their obligations under the relevant international instruments, including the 1994 Convention on the Safety of United Nations and Associated Personnel;

16. *Welcomes* the addendum on the safety and security of United Nations and humanitarian personnel to the Secretary-General's report on strengthening of the coordination of emergency humanitarian assistance of the United Nations,[7] and requests the Secretary-General to submit to it at its fifty-fifth session a comprehensive report on the safety and security situation of humanitarian personnel and protection of United Nations personnel, including an account on the measures taken by Governments and the United Nations in prevention of and in response to all individual security incidents involving the arrest, hostage-taking or death of United Nations and its associated personnel;

17. *Recognizes* the urgency to consult further to address the recommendations contained in the above-mentioned addendum, and to that end requests the Secretary-General to submit by May 2000, for its consideration during its fifty-fourth session, a report containing a detailed analysis and recommendations addressing the scope of legal protection under the 1994 Convention on the Safety of the United Nations and Associated Personnel, and in this regard notes also the report of the Secretary-General on the protection of civilians in armed conflicts[1] and the range of views expressed during the open debates of the Security Council on 16 and 17 September 1999 and 12 February 1999 on protection of civilians in armed conflicts.

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[7] A/54/154/Add.1-E/1999/154/Add.1.